

TRYING AN OLD WAR CASE.

HOW A YOUNG LADY BECAME LIABLE FOR HER FATHER'S BOND.

Started by a claim of which she had never heard, but which may impoverish her.—A Blockade Runner During the War.

Seven years ago, during the war of the rebellion, the steamer Josie, supposed to be a blockade runner, was seized in this harbor by the Government, and although the parties to the defense have since all disappeared, the case came up for trial before Judge Blatchford, in the United States District Court, yesterday. The young, unmarried daughter of a bondsman for the owner of the vessel, is left solely responsible for the judgment against the vessel and the cargo, which the Government seeks to enforce.

The story told in the voluminous papers of the case is that the Josie was lying at Pier 27, East River, loading with a mixed cargo. A special inspector of shipping, ordered Collier, Hirsh, and Company, the owners, to release him, but that the Josie had already run the blockade twice, and was heading to do again. The Josie got under way, and had proceeded to a point below Robbin's Reef, when she was overtaken by a party of Curtis F. Andrews, Surveyor of the Port. The Josie was carrying a cargo of potatoes, apples, cabbages, dry goods, shoes, a quantity of liquor, and a wagon and harness. It was found that she had run that she was bound to Wilmington, N. C.

Joseph Ennes, a shipping merchant, then in Purring ship, claimed to be the owner of the Josie, and that he had been compelled to Havana and Nassau from New York with passengers and freight. The case came up for trial in the latter part of 1862, before the United States Commissioner, with the District Attorney, Postmaster-General James, then a Customs House Inspector, was one of the witnesses. It was found that the Josie had not for the year, save one, although he afterward paid for it. The Government claimed that he bought it for a man named J. Howard Waggoner, who had come from the United States. The wagon, harness, and liquor were consigned to "Howard & Co., Havana," but Waggoner's initials were on the wagon.

It was shown that Waggoner, who he owned the Josie, and that Waggoner had been heard to say that he was his property. He was also heard to offer to sell the Josie to another within a week. Ennes avowed that the Josie was not fit for the Havana trade. Others were she was. It was sworn that she looked like a blockade runner, and was calculated for speed. Capt. Overton of the Josie swore that he did not know what he was to do after his arrival in the Capes, and that he had no knowledge of the blockade runner Artist, which he took to Havana, and which was seized after she entered port. One of the crew stated that the Josie had been captured on a blockade runner and was then a paroled prisoner. In her trunk letters to people in the United States were found, which showed that she had been a slave who shipped the crew made out the "articles" for Havana at Mr. Ennes's order.

The Josie was condemned, and her cargo was sold in the spring of 1864 for \$7,000. An appeal was taken by Ennes, and under an act of Congress which allowed the proceeds before being converted into money to be withdrawn from the registry of the court and a bond substituted for their amount, an order was made allowing Ennes to take the money and pay it over to the Government. The man named Chrystal and a Mr. Thomas McLean, a merchant in the city, they qualified in 1869 on such a bond.

One year later, in December, 1865, Mr. McLean died, and his estate was settled and distributed without any notice being taken of this liability. The Josie bankrupted and died. In 1879 Ennes, the principal, who lived in Bedford avenue, Brooklyn, and was a member of number of the social clubs, was sued for the amount of \$100,000. The last news of him was, on allegation that he was under arrest in Aspinwall for passing counterfeited money. The amount was paid into the court on Oct. 1, 1875, it was argued before Judge Alexander S. Johnson in the District Court. Judge Johnson died before the trial was completed.

Last spring, the daughter of Bondeman McLean received indirectly from District Attorney Woodford notice of a motion that she furnish a new affidavit, or else be liable to be sued, thus came to light that she is now the only person to whom the Government could look for a settlement of Ennes's sureties. Her attorney is Mr. Edward H. Taylor, of Brooklyn. The counsel for the appellant is Mr. R. D. Benedict of Benedict, Taft & Benedict, who was the counsel for Ennes.

The cause for the young lady, whose name does not appear in the case, says that if the court had opened at her first suit she would not have been compelled to make a new affidavit, and the cause of her deceased father's inability, yet she is called upon either to provide a new bond or to make her father's sureties available. The sum of the case will be \$100,000. The payment of this sum will, it is said, leave her penniless. By request, District Attorney Woodford declined to give her name.

All the testimony in the original trial, which forms a thick printed volume, is now being read by the counsel on either side, the District Attorney having the book in his office in Conkling. Much of it is admitted by the Court, but, on the other hand, certain portions are thrown out, objections being made by the defense that they are irrelevant, too many seeming material to their interests. The court room was visited yesterday by ex-Collator Barnes, of the Bronx, who has been engaged in the case to be tried upon its merits, in the hope that the Court may not find the vessel guilty of the offence charged. In case that the judgment of the court is adverse to the Josie, it will then be argued that the matter is within the operation of the amnesty proclamation of Dec. 25, 1868. The trial will be continued to-day.

LIEUT. FLIPPERS DEFENCE.

Civilians Testifying as to His Integrity and Good Character.

FORT DAVIS, Nov. 30.—The defence in the Fliper case began offering their testimony yesterday morning, and seven witnesses were rapidly examined.

Capt. Bates testified that it was customary to inspect funds on Sunday. He had no recollection of the statement for June 5 being presented for verification. He said that Capt. Neils got up a burro race on July 4, and got Fliper to put up notices to the Mexicans in Spanish.

Capt. Neils testified that the race was gotten up by the officers of the post. Fliper was invited to attend the race, particularly to talk Spanish to the Mexicans. He was putting up foot and sack races for the amusement of men, and the Mexican soldiers were the chief spectators. He could not tell who was the originator of this. He had seen Fliper has his saddle bags on his saddle. At a later time, when he was sent to guard Fliper, when arrested, and was in the room with him until he was removed to the guard house, he found that Fliper had a saddle bag attached to his saddle. He thought that Fliper might need the saddle bag, and so he gave it to him. The saddle bags had been on the saddle for months, except for one day when being repaired. Nothing was taken from the saddle bags when he returned to the room.

J. B. Shields testified that he knew Fliper. He observed him particularly because his position as a post master required him to be in close contact with him. He liked the man better, the more he saw of him, notwithstanding he was of opposite politics because of his position. He was a good man, and Fliper was a good soldier.

A. P. COOK, operator of business machine, was examined as witness for the defense. He is a good man, and Fliper is a good soldier. He is a good man, and Fliper is a good soldier.

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